

UNITED STATES DISTRICT COURT

for the  
District of New Jersey

**ORIGINAL FILED**  
**FEB 28 2019**  
JAMES WALSH, CLERK

United States of America  
v.  
ANDREW NICHOLAS

Case No.  
19-mj-2011

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 26 and 27, 2019 in the county of Gloucester in the  
         District of New Jersey, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC Secs. 2241(a) and 2	Sexual Exploitation of Children
18 USC Secs. 2252A(a)(2)(A) and 2252A(b)(1) and 2	Distribution of Child Pornography

This criminal complaint is based on these facts:

See Attachment B.

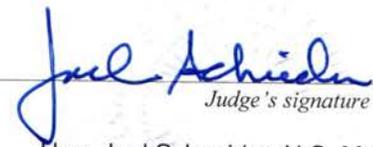
Continued on the attached sheet.

  
 \_\_\_\_\_  
 Complainant's signature  
 James Webb, Special Agent, FBI  
 \_\_\_\_\_  
 Printed name and title

Sworn to before me and signed in my presence.

Date: 02/28/2019

City and state: Camden, New Jersey

  
 \_\_\_\_\_  
 Judge's signature  
 Hon. Joel Schneider, U.S. Magistrate Judge  
 \_\_\_\_\_  
 Printed name and title



# CONTENTS APPROVED

UNITED STATES ATTORNEY

By: *s/Sara Aliabadi*

Sara A. Aliabadi, Assistant U.S. Attorney

Date: February 28, 2019

**ATTACHMENT A**

**Count 1**

**Sexual Exploitation of Children**

On or about February 26, 2019 and February 27, 2019, in Gloucester County, in the District of New Jersey, and elsewhere, the defendant,

ANDREW NICHOLAS,

did knowingly employ, use, persuade, induce, entice, and coerce Victim 1, a minor child, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depiction had actually been transported and transmitted using any means and facility of interstate or foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2.

**Count 2**

**Distribution of Child Pornography**

On or about February 26, 2019 and February 27, 2019, in Gloucester County, in the District of New Jersey, and elsewhere, the defendant,

ANDREW NICHOLAS,

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, or using any means and facility of interstate and foreign commerce, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a)(2)(A), 2252A(b)(1).

## ATTACHMENT B

I, James Webb, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have knowledge of the following facts based on my investigation and upon my conversations with other individuals and law enforcement personnel involved in this investigation. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to me concerning this matter, just those facts which I believe are necessary to establish probable cause. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part. Where I assert that an event occurred on a particular date, I am asserting the event occurred on or about the date alleged.

### INVESTIGATION

1. On or about Tuesday, February 26, 2019, an FBI Task Force Officer from the FBI Washington D.C. Field Office was acting in an undercover ("UC") capacity as part of the Metropolitan Police Department-Federal Bureau of Investigation Child Exploitation Task Force. In that capacity, the UC entered a public Kik Messenger<sup>1</sup> group and began communicating with an individual with a username that is known to law enforcement. The user stated that he was a 22 year-old male. This user was later identified as defendant ANDREW NICHOLAS.

2. During the course of a chat between NICHOLAS and the UC on Tuesday, February 26, 2019, NICHOLAS sent the UC several images of a prepubescent minor that is known to NICHOLAS ("Victim 1"). The following is a description of the images NICHOLAS sent to the UC:

- a. An image of an adult male exposing his erect penis in front of Victim 1.
- b. An image of Victim 1 lying on his back. Victim 1's penis is exposed and an adult male is holding Victim 1's ankle.
- c. An image of Victim 1 on his back with his legs in the air exposing his bare penis and anus.
- d. An image of Victim 1 on the floor wearing a yellow shirt. An adult male is standing above Victim 1 with his penis exposed.
- e. An image of an adult male putting his erect penis either on or close to Victim 1's head.

3. On February 27, 2019, the UC communicated again with NICHOLAS via Kik Messenger. During the course of the chat, NICHOLAS sent the UC additional images and videos of Victim 1, including several images of Victim 1's penis.

4. During the course of the chat on February 27, 2019, the UC observed the username

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<sup>1</sup> Kik is a free mobile application that permits users to send text messages and other content, including videos and images. Kik also allows members to create groups that allow users to communicate as a group and send pictures and videos.

used by NICHOLAS post a video to a Kik Messenger group. The video depicted an adult male masturbating in front of Victim 1. NICHOLAS told the UC that he produced that video with Victim 1 on February 27, 2019.

5. On or about February 27, 2019, law enforcement officers executed a search warrant at NICHOLAS's location and recovered, among other things, cellular telephones and computer equipment belonging to NICHOLAS. I also personally observed the interior of the location and confirmed that the images and videos NICHOLAS sent to the UC on February 26 and 27, 2019 were taken at that location.

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images and videos described above were produced using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, based upon, among other things, my review of law enforcement records, the images and videos, and the other physical evidence recovered from NICHOLAS's location. Based upon observations, as well as my education, training, and experience, the images depict a real child under the age of 18.

7. Based upon my review of the images and videos described above and other evidence obtained during the investigation, and in consultation with other law enforcement officers, there is probable cause to believe that the images described above depict Victim 1 engaging in sexually explicit conduct and that NICHOLAS produced those images and videos.